

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 9/23/2014	(3) CONTACT/PHONE Holly Phipps, Project Manager / 805-781-1162	
(4) SUBJECT Request to authorize a General Plan Amendment application (LRP2013-00016) by Frank Mazzone to change the land use category on a 16.74 acre parcel located on the east side of Highway 101 at the intersection of San Luis Bay Drive and Monte Road from Agriculture to Residential Rural. District 3.			
(5) RECOMMENDED ACTION It is recommended that the Board review the attached proposal and determine whether your Board wishes to authorize processing.			
(6) FUNDING SOURCE(S) Application Fees	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation { } Hearing (Time Est. ____) { x } Board Business (Time Est. <u>30 min</u>)			
(11) EXECUTED DOCUMENTS { } Resolutions { } Contracts { } Ordinances { x } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) NA		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5 Vote Required { x } N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { x } N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 3			



County of San Luis Obispo

TO: Board of Supervisors

FROM: Holly Phipps, Project Manager

VIA: Ellen Carroll, Planning Manager / Environmental Coordinator

DATE: 9/23/2014

SUBJECT: Request to authorize a General Plan Amendment application (LRP2013-00016) by Frank Mazzone to change the land use category on a 16.74 acre parcel located on the east side of Highway 101 at the intersection of San Luis Bay Drive and Monte Road from Agriculture to Residential Rural. District 3.

RECOMMENDATION

It is recommended that the Board review the attached proposal and determine whether your Board wishes to authorize processing.

DISCUSSION

Initial Staff Review

Based on the preliminary review of existing information, the project site is presently designated Agriculture, and its size, soil type, and water availability are not sufficient for intensive agricultural production. The site generally meets the Residential Rural purpose and character statements. The parcels will be large enough to sustain dry farm 'hobby' agricultural activities. There are land uses near the site that are zoned Residential Rural. There are no combining designations or environmentally sensitive resources located at the subject property.

This preliminary review of the project, in coordination with the County Department of Agriculture, along with the inclusion of the two proposed additional restrictions stated above, relevant policies and considerations stated later in this staff report. If your Board decides to authorize processing, a more detailed evaluation will occur.

Project Brief

This subject parcel is presently developed with a primary and secondary residence. This parcel is smaller than the minimum parcel size (20 acres) for the Agriculture land use category, and therefore, cannot be subdivided. The Residential Rural land use category provides for a minimum parcel size of 5 acres. In order to reduce potential impacts from future development, the applicant further proposes the following restrictions:

- (1) Any future subdivision would be limited to two parcels; and
- (2) Secondary residences would be prohibited.

As indicated in the following table, the above restrictions would result in no net increase in potential residential development on the subject parcel. The site is presently developed with two units (one primary, one secondary) on one parcel. Future subdivision would be limited to creation of two parcels, each with one primary unit.

Development Feature	<i>Current:</i> Agriculture	Land Use Category	
		Residential Rural	<i>Proposed:</i> Residential Rural + Restrictions
Minimum Parcel Size	> 20 acres	5 acres	5 acres
Potential Parcels	1 parcel	3 parcels	2 parcels
Secondary Residences	Allowed	Allowed	Prohibited
Potential Residential Units	2 units	6 units	2 units

Project Site and Surrounding Uses

The project site is located approximately 2.7 miles south of San Luis Obispo on the east side of Highway 101 at the intersection of San Luis Bay Drive and Monte Road. The site is moderately sloping and vegetated with non-native grasses and scattered oak trees. Improvements on site include a 6,000 square foot primary residence, a 1,200 square foot secondary residence with an attached garage, a historical home built in the 1900s which is now used for storage, a barn and other accessory structures.

The soil classification on this site is comprised of Class 7 which is not well suited for agriculture. There is an existing well on the property that produces 10 gallons per minute and is shared by the two existing residences on the property. The water supply and soil type for the parcel is poor and limits the agricultural uses on site.

The land use designation surrounding the property is a combination of Residential Suburban, Residential Rural, Agriculture, and Commercial Retail.

Project Data

Planning Area: South County, San Luis Obispo Sub Area

Community: San Luis Obispo

Assessor Parcel Numbers: 076-251-044

Area: 16.74 acres

Topography: Moderately sloping

Water Supply: Well

Sewage Disposal: On-site septic

Vegetation: Grasses, oak trees, and ornamentals

Existing Use and Improvements: 6,000 sf single-family residence, 1,200 sf secondary residence, historic home used for storage, barn, and accessory structures.

Land Use Category / Surrounding Land Uses

North: Agriculture / single family dwelling and mobile home

South: Agriculture / vineyards

East: Residential Suburban / single family dwelling

West: Agriculture / row crops

General Plan Information

Land Use Element Category: Agriculture

Combining Designation: None

Planning Area Standards: South County, San Luis Bay Sub Area

Authority

Unlike the processing of land use permits, the first step when considering requested changes to the General Plan or Land Use Ordinance is for your Board to determine whether to initiate new legislation to change the rules. If the Board authorizes this request for processing, the item will be scheduled for public hearings before the Planning Commission and your Board after the environmental review process and staff report is completed.

The Land Use Element sets forth the authority by which the General Plan can be amended. Pursuant to the Land Use Element, the Board in making their decision should consider the following factors:

- a. **Necessity.** Relationship to other existing Land Use Element policies, including the guidelines for land use category amendments, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. **Timing.** Whether the proposed change is unnecessary or premature in relation to the inventory of similarly designated land, the amount and nature of similar requests, and the timing of projected growth.
- c. **Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed change should be expanded or reduced in order to consider surrounding physical conditions. These may include resource availability, environmental constraints, and carrying capacity for the area in the evaluation.
- d. **Cumulative effects of the request.** Individual property owner requests for changes are evaluated in view of existing build-out, current population and resource capacity conditions, and other important information developed as part of the update process.

Major questions

The proposed General Plan amendment raises the following major questions:

1. Is the request consistent with applicable Land Use Element policies relating to the purpose and character statements for the requested Rural Residential land use category?
2. Does the request represent a logical location for Rural Residential land use category?

General plan considerations

Guidelines for Land Use Category Amendments

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit C. These criteria include consistency with existing goals and policies in the General Plan, consistency with the applicable purpose and character statements, compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated, and in an area with demonstrated availability of needed public services and facilities, protection of prime agricultural soils, and if the change is needed to provide a sufficient supply of land for the population of the community or area.

Purpose and Character Statements

Each land use category is defined in the Framework for Planning, a component of the General Plan, using purpose and character statements. These statements are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site. The statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

Rural Residential

The purpose statements for the Rural Residential (RR) land use category include the following:

- a) To provide for residential density at a low density compatible with a rural character and lifestyle which maintains the character of the open countryside and is compatible with surrounding agricultural uses.
- b) To allow limited, compatible non-residential uses commensurate with rural parcel sizes.

- c) To emphasize residential uses in areas where agriculture is clearly a secondary use, or where agriculture is not feasible yet large open areas are maintained as a part of a residential lifestyle.
- d) To encourage agricultural and other open space uses as part time or incidental “hobby” activities, such as horse raising or specialty farming.

Character of Areas Designated as Residential Rural

- a) Areas of existing small-acreage parcels no more than three miles from urban reserve lines that are not commercially viable for agriculture, where the average parcel size within any contiguous area is below 19 acres.
- b) Areas that are outside of urban and village areas and connected to them by county-maintained roads, although exceptions may be observed for existing older subdivided areas.
- c) Areas with slopes generally less than 30%.
- d) Areas with marginal agricultural soils.
- e) Areas with a rural landscape high in visual quality (for example, woodlands, hills, rock formations, existing agriculture and ag accessory buildings) where clustering of allowed densities to less sensitive portions of a site is encouraged to be required through planning area standards.
- f) Areas generally free of fragile natural resources.
- g) Areas where growth will not be premature with respect to utility and public service capacities, or in conflict with agricultural, commercial, or industrial uses. Light agricultural uses are to be encouraged.
- h) Areas where horses and other similar farm animals are allowed accessory to residential uses.
- i) Areas where public services demands are limited, septic tanks and individual wells can suffice for required water and sewer capability.

Staff Response

While the project site is presently designated Agriculture, its size, soil type, and water availability are not sufficient for intensive agricultural production. The site generally meets the Residential Rural purpose and character statements. The parcels will be large enough to sustain dry farm ‘hobby’ agricultural activities. There are land uses near the site that are zoned Residential Rural and Residential Suburban, which has an even smaller minimum parcel size of 2.5 acres in this area. There are no combining designations or environmentally sensitive resources. A review for the need to participate in the Transfer of Development Credits (TDC) program will be evaluated during the General Plan Amendment process.

General Goals of the Land Use Element

Some applicable general goals of the Land Use Element include the following:

Environment

Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.

Distribution of Land Uses

- Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately agriculture, low-intensity recreation, residential, and open space uses, which will preserve and enhance the pattern of identifiable communities.
- Identify important agricultural, natural, and other rural areas between cities and communities, and work with landowners to maintain their rural character.

Staff Response

Changing the Land Use Category from Agriculture to Residential Rural is generally compatible with the above goals. The project site is currently developed with two residences. The proposed restrictions would ensure that no additional residential units are developed on the property. As a result, no substantial

impacts relating to new residential units are anticipated to occur. The limitation on number of parcels and the prohibition of secondary dwellings will ensure that development will remain at a low density and that the rural quality of the area is maintained.

Agriculture Element

The Agriculture Element contains policies on conversion of agricultural lands to non-agricultural uses. Implementation criteria for the conversion policies of the Agriculture include, but are not limited to, agriculture capability of the site and potential impacts to adjacent lands. Additionally, there are findings in the Agriculture and Open Space Element for conversion of land to non-agricultural use. The findings are to be made based on a site-specific evaluation. Although a detailed site evaluation has not been completed, the site would meet most of the findings. They are:

1. The land does not meet the criteria for inclusion in the Agriculture designation in this plan or the Land Use Element.

Staff Response

The site has not been used for agriculture and is already smaller than the minimum parcel size in the Agriculture land use category.

2. Agricultural production is not feasible due to some physical constraint (such as soil infertility, lack of water resource, disease), or surrounding incompatible land uses.

Staff Response

The site does not contain soils that support intensive crop types.

3. Adjacent lands are already substantially developed with uses that are incompatible with agricultural uses.

Staff Response

There is currently a mixture of both residential and agricultural uses in the area of the site.

4. The conversion to non-agricultural uses shall not adversely affect existing or potential agricultural production on surrounding lands that will remain designated Agriculture.

Staff Response

The use of buffers can be used to protect surrounding agricultural uses from potential conflicts.

5. There is an over-riding public need for the conversion of the land that outweighs the need to protect the land for long-term agricultural use, such as the orderly expansion of an incorporated city or community.

Staff Response

The use and residential density of the site is not proposed for change with this amendment.

Authorization Options

Your Board should consider the following options as part of your discussions when considering whether to authorize this project for processing:

1. Authorize this General Plan Amendment application for processing to change the land use category on the 16.74 acre site from Agriculture to Residential Rural. Additionally, apply the following proposed restrictions: (1) future subdivisions can result in no more than two parcels; and (2) secondary residences are prohibited.
2. Do not authorize the processing of this application.

OTHER AGENCY INVOLVEMENT/IMPACT

If the project is authorized for processing, the application will be referred to all applicable agencies and community advisory bodies. The application was sent as a tentative referral (notification that the application was requested, but has not yet been authorized for processing) to County Public Works Department, Environmental Health Department, Agricultural Commissioner, Air Pollution Control Board, County Parks, CAL FIRE, HEAL SLO, Cal Trans, City of San Luis Obispo, Native American Heritage Commission and the Avila Valley Advisory Group (AVAC). Responding agency referral responses are attached.

FINANCIAL CONSIDERATIONS

The applicant has paid a deposit and has agreed to process the amendments under a Real Time Billing Agreement, which will allow for the recovery of the actual cost of processing.

RESULTS

Authorization of the General Plan Amendment application will allow continued processing of this request. If authorized, additional referrals will be distributed to outside agencies and the Avila Valley Advisory Council. The application will then be processed for compliance with the California Environmental Quality Act (CEQA) and reviewed by the Planning Commission. The Board of Supervisors retains final decision-making authority. This authorization hearing is consistent with the county wide goal of promoting well-governed communities.

Not authorizing the application will stop the further processing of the General Plan Amendment. Any unused portion of fees collected will be refunded.

ATTACHMENTS

- Attachment 1 - Vicinity Map
- Attachment 2 - Land Use Category Map
- Attachment 3 - Guidelines
- Attachment 4 - Referral Responses